

02- DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

380 BOARD OF NURSING

Chapter 5 REGULATIONS RELATING TO TRAINING PROGRAMS AND  
DELEGATION BY REGISTERED PROFESSIONAL NURSES OF  
SELECTED NURSING TASKS TO CERTIFIED NURSING ASSISTANTS

**SUMMARY:** This chapter defines delegation; states the responsibilities of a registered professional nurse in delegating selected nursing tasks to certified nursing assistants; sets forth the requirements relating to training programs; and states the criteria for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS.

**DEFINITION:** Delegation is the transferring to a competent individual authority to perform a selected nursing task in a selected situation.

**1. General Regulations Relating to Delegation of Selected Nursing Tasks by Licensed Nurses**

- A. The registered professional nurse is responsible for the nature and quality of all nursing care that a patient receives. Assessment of the nursing needs of a patient, the plan of nursing actions, implementation of the plan, and evaluation are essential components of professional nursing practice and are the functions of the registered professional nurse. Although other personnel may be employed to assist the registered professional nurse in the performance of these functions, such personnel cannot be used as a substitute for the registered professional nurse. The services of registered professional nurses may be supplemented and complemented by the services of licensed practical nurses and certified nursing assistants.
- (1) The registered professional nurse in charge of an organized nursing service, e.g., hospital, nursing home, skilled care facility, community health agency, shall determine those nursing tasks that may safely be delegated to nursing assistants. No task shall be delegated that is not listed in the Skills Checklist of the PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS. When the task is the administration of medications, nothing may be delegated that is not listed in the Skills Checklist of the Standardized Medication Course for Certified Nursing Assistants.
- (2) In assigning selected nursing tasks to nursing assistants, the registered professional nurse is responsible for complying with the provisions of this chapter and for exercising the judgment and knowledge ordinarily expected of a registered professional nurse. Prior to delegating any selected nursing task to nursing assistant, the registered professional nurse shall determine that the nursing assistant holds a valid certificate of training and is listed on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS. The registered professional nurse shall inspect the certificate of training of the nursing assistant.

- (3) The registered professional nurse also is responsible for supervision of nursing assistants to whom such delegation is made. The degree of supervision needed shall be determined by the registered professional nurse after an evaluation of all factors involved, including without limitation:
- a. the stability of the condition of the patient;
  - b. the training and capability of the nursing assistant to whom delegation is being made; and
  - c. the nature of the tasks being delegated.

Supervision may require direct, continuing presence of the registered professional nurse to observe, guide and direct the nursing assistant; intermittent observation and direction by the registered professional nurse who may only occasionally be physically present; or development of a plan of care, in advance, by the registered professional nurse which will be implemented by the nursing assistant without the physical presence of the registered professional nurse. In the latter situation, the registered professional nurse must be available for supervision, in person, in the event circumstances arise that cause the registered professional nurse to believe such supervision is necessary.

- (4) In the home care setting the registered professional nurse may delegate certain aspects of medication administration to the certified nursing assistant. Delegation by the registered professional nurse may occur after an evaluation of the following factors:
- a. There is a stable predictable pattern of need.
  - b. There is consent of the patient/family/patient designee as indicated with a signature on the care plan.
  - c. The training and capability/competency of the nursing assistants is appropriate to the identified need.

The registered professional nurse shall ascertain that the certified nursing assistant has successfully completed a Department of Human Services approved agency course curriculum based on a standard outline of course content. The outline shall include the appropriate administration of: oral medications; ear and eye drops; non-narcotic patches; insulin injections for stable diabetics using pre-filled syringes; topical medications; inhalants (hand held manufactured inhalers, not nebulizers); vaginal/rectal medications; scheduled Schedule IIs.

The registered professional nurse may delegate the administration of prescribed medication as identified in the course outline. Medication that may not be delegated include PRN medication and those administered via intrathecal, intravenous, intramuscular, subcutaneous (except insulin), and gastrostomy routes nor any other invasive methods.

The registered professional nurse may delegate to the certified nursing assistant the administration of medications prefilled by the family/patient designee who has been assessed to be competent to perform the task.

- B. Under the assignment and supervision of a registered professional nurse, the licensed practical nurse may delegate to and oversee completion of selected nursing tasks by nursing assistants.
- C. The nursing assistant shall be employed as a certified nursing assistant only in situations where the required registered professional nurse supervision is available. The nursing assistant shall be personally responsible and accountable for all actions taken by such nursing assistant in carrying out the tasks delegated to her/him under this chapter. No nursing assistant shall accept delegation of a task for which s/he has not been prepared by training. Upon such delegation, the nursing assistant shall immediately inform the delegating licensed nurse of her/his incapability by training to perform the delegated task. However, nothing in this paragraph shall absolve such licensed nurse from her/his duties and responsibilities under this chapter.

2. **General Regulations Relating to the PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS**

Approval and monitoring of training programs for nursing assistants shall be carried out in accordance with 32 M.R.S.A. Section 2104.

The Department of Education shall consult with the State Board of Nursing in approving and monitoring training programs for nursing assistants, in accordance with 32 M.R.S.A. Section 2104.

- A. The Board's PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS shall be utilized for nursing assistant training programs.
  - (1) The registered professional nurse, by law, is responsible for the supervision and teaching of nursing personnel. Therefore, a registered professional nurse shall be in charge of the instructional program to prepare assistants to nurses.
  - (2) No program shall be conducted that includes less than ~~80~~ 90 hours of classroom instruction, 20 hours of skills laboratory and ~~50~~ 70 hours of correlated, supervised clinical practice.
  - (3) The ideal clinical instructor/student ratio is one to one, and this ratio may at times be necessary for adequate learning and safe patient care. In general, the clinical instructor/student ratio must be at least one instructor for every ten students. The registered professional nurse instructor must provide direct on-site supervision during clinical learning experiences.
  - (4) All course objectives must be met to successfully complete this program. All skills must be demonstrated, and the student must perform return demonstrations satisfactorily, either in the clinical setting or in the skills laboratory.
  - (5) Content need not be taught in the order listed. Time may be added and emphasis made by the instructor to highlight certain aspects of the curriculum.
  - (6) Nothing may be taught that is beyond the skills listed in the PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS.

B. Accreditation or Approval by Other Organizations

The institution or agency conducting the training program or course, as well as the institutions or agencies cooperating with the program, shall be licensed or approved by the appropriate State licensing authority or accredited by the appropriate organization.

C. Instructional Staff

- (1) Each registered professional nurse shall be currently licensed to practice as a registered professional nurse in Maine and meet the federal requirements for nursing assistant instructors [42 CFR 483.152 and 42 CFR 484.36(a)(2)(ii)].
- (2) Only registered professional nurses shall serve as classroom and clinical instructors. Members of other disciplines may assist in the teaching as necessary and desirable.

D. Students

(1) Qualifications for Admission

- a. completion of the ninth grade of school (high school graduation or high school equivalency diploma preferred)
- b. minimum age of 16 years
- c. ability to read and write English

(2) Requirements for Retention and Completion

- a. The instructional staff shall develop requirements for class attendance, scholastic achievement, clinical competence, and personal growth that shall be consistent with the goal of maintaining the highest quality of health care for the patient.
- b. Criteria for determining student progress shall be developed and used by the instructional staff in the evaluation of the students at intervals throughout the training program.
- c. Policies or procedures pertaining to dismissal shall be clearly stated and shall adequately safeguard the rights of both the students and the institution or agency conducting the training program.
- d. All of the above shall be available in writing to the students.

E. Certificate of Training

- (1) The institution or agency conducting the program shall issue a certificate of training to each student who satisfactorily completes the training program. Such certificate shall clearly designate the following:
  - a. completion of the Board's PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS;

- b. number of classroom, skills laboratory and supervised clinical hours;
  - c. beginning and ending dates;
  - d. name of the agency conducting the training program;
  - e. signature of the registered professional nurse director of the training program; and
  - f. statement of approval by the Department of Education.
- (2) The director of an educational program in nursing preparing persons for admission to a licensure examination may issue a certificate of training to a currently enrolled student or to a former student who has terminated enrollment in the program when such individual has satisfactorily completed at least the equivalent of the Board's PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS.

F. Facilities and Resources

- (1) The physical facilities utilized for the training program shall be adequate to the needs of the program and to the size of instructional staff and student body. These include classrooms, conference rooms, and laboratories sufficient in numbers and size to facilitate scheduling classes on a sound educational basis and to fulfill the objectives of the program.
- (2) The resources for planned learning experiences shall include the quality and variety needed for the objectives of the training program.
- (3) Hospitals, nursing homes and home health agencies may be utilized for clinical learning experiences. Such health care facilities shall meet federal requirements for nursing assistant training [42 CFR 483.151(b)(2) and (3) and 42 CFR 484.36(a)(2)(i)(ii) with the exception that a licensed practical nurse may **not** be used as a clinical site instructor]. The registered professional nurse instructor shall provide direct on-site supervision during clinical learning experiences.
- (4) A well-organized and up-to-date library shall be available for use by students and instructors. The holdings shall be consistent with the needs of the curriculum, the student body, and the instructors.

G. Records and Reports

- (1) The institution or agency conducting the training program shall make provisions for the safe maintenance of the necessary records.
  - a. Significant, accurate, complete, and concise records and reports that clearly reflect the conduct of the total training program shall be maintained.
  - b. Essential data relating to educational preparation and professional experience shall be maintained for each instructor.

- c. Records of authorization to conduct the training program shall be kept on file.

- (2) Reports shall be submitted to the Board as requested.

#### H. Evaluation of Training Program

The registered professional nurse director of the training program and the instructors shall be responsible for determining and developing methods and procedures to be used in measuring the extent to which the objectives of the training program have been achieved. The results of such self-appraisal shall be the basis for future action in planning improved program delivery.

### 3. **General Regulations Relating to the BRIDGING OF NURSING ASSISTANT TRAINING**

- A. The Board shall authorize a competency testing mechanism for nursing assistants who have completed a training program of at least 100 hours but less than the required ~~150~~ 180 hours. This mechanism shall provide the additional content required to meet the standards established by the Board.

- (1) A registered professional nurse shall be in charge of the competency testing. The instructor shall be a registered professional nurse who has been prepared to administer the competency assessment tool.
- (2) In general, the instructor/student ratio must be one to one for competency testing.
- (3) All bridging objectives must be met to successfully complete this program. The student must perform selected skills satisfactorily.
- (4) Nothing may be taught that is beyond the skills listed in the PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS.

- B. Accreditation or Approval by Other Organizations

The institution or agency involved with the bridging process shall be licensed or approved by the appropriate State licensing authority or accredited by the appropriate organization.

- C. Evaluation Staff

Each registered professional nurse shall be currently licensed to practice as a registered professional nurse in Maine and meet the federal requirements for nursing assistant instructors [42 CFR 483.152 and 42 CFR 484.36(a)(2)(ii)].

- D. Students

- (1) Qualifications for Consideration for Bridging

- a. successful completion of a nursing assistant training program of not less than 100 hours that meets the federal requirements [42 CFR 483.152]

- b. completion of the ninth grade of school (high school graduation or high school equivalency diploma preferred)
- c. minimum age of 16 years
- d. ability to read and write English
- e. Demonstrate employment as CNA for at least 32 hours per week for 3 out of the past 5 years.

(2) Requirements for Retention and Completion

- a. The CNA's experience and training shall first be evaluated by the CNA Registry for the applicant to be deemed eligible for consideration to bridge.
- b. The Department of Education shall develop requirements for didactic and clinical competency assessments that are consistent with the PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS.
- c. Criteria for determining student success shall be developed and used by the professional staff in the evaluation of the students.
- d. Policies or procedures pertaining to dismissal shall be clearly stated and shall adequately safeguard the rights of the students, the professional evaluating staff and the institution or agency providing the resources to accomplish competency evaluation.
- e. All of the above shall be available in writing to the students.

E. Certificate of Training

- (1) The evaluation staff responsible for the bridging process shall issue a certificate of training to each student who satisfactorily completes the competency testing. Such certificate shall clearly designate the following:
  - a. completion of the approved bridging competency assessment;
  - b. date completed;
  - c. signature of the registered professional nurse in charge of the bridging process; and
  - d. statement of approval by the Department of Education.

F. Facilities and Resources

- (1) The physical facilities utilized shall be adequate to the needs of the program and to the size of evaluation staff and bridging participants. These include classrooms, conference rooms, and laboratories sufficient in numbers and size to facilitate scheduling didactic and clinical competency testing on a sound educational basis and to fulfill the objectives of the program.

- (2) The resources for planned evaluation experiences shall include the quality and variety needed for the objectives of the program.
- (3) Hospitals, nursing homes and home health agencies may be utilized for conducting the competency evaluations. Such health care facilities shall meet federal requirements for nursing assistant training [42 CFR 483.151(b)(2) and (3) and 484.36(a)(2)(i)].

G. Records and Reports

- (1) The evaluation staff conducting the bridging process shall make provisions for the safe maintenance of the necessary records.
  - a. Significant, accurate, complete, and concise records and reports that clearly reflect the conduct of the total evaluation shall be maintained.
  - b. Essential data relating to educational preparation and professional experience shall be maintained for each instructor.
  - c. Records of preparation of instructor/evaluation staff to conduct the bridging process shall be kept on file.
- (2) Reports shall be submitted to the Board as requested.

H. Evaluation of Bridging Process

The Department of Education shall be responsible for determining and developing methods and procedures to be used in measuring the extent to which the objectives of the program have been achieved. The evaluation staff conducting the competency assessment shall provide regular feedback to the Department of Education as a basis for future action in planning improved program delivery. The results of such self-appraisal shall be the basis for future action in planning improved program delivery.

4. **General Regulations Relating to the STANDARDIZED MEDICATION COURSE FOR CERTIFIED NURSING ASSISTANTS**

The purpose of this course is to teach **experienced** certified nursing assistants to administer **selected noninjectable medications** to patients who are **4 years of age and older**. This complex nursing task shall be performed under the direct **on-site** supervision of a licensed nurse **only** in long term care nursing facilities, state mental health institutions, county jails and state correctional facilities and assistive living settings.

A. **Approval Process For the Board's STANDARDIZED MEDICATION COURSE FOR CERTIFIED NURSING ASSISTANTS**

- (1) Requests for approval to teach the medication course shall be submitted to the Board at least 60 days prior to the desired starting date of the course.
- (2) Board approval shall be received by the educational institution or health care facility/agency prior to implementation of the medication course.
- (3) Revisions in the conduct of the medication course and/or changes in the instructional staff shall be submitted to the Board for approval prior to implementation.



B. General Requirements for Teaching the Course

- (1) Only the Board's STANDARDIZED MEDICATION COURSE FOR CERTIFIED NURSING ASSISTANTS shall be utilized for medication courses.
- (2) The registered professional nurse, by law, is responsible for the supervision and teaching of nursing personnel. Therefore, a registered professional nurse shall be in charge of the medication course.
- (3) Only registered professional nurses shall serve as classroom and clinical instructors. Members of other disciplines may assist in the teaching as necessary and desirable.
- (4) No medication course shall be conducted that includes less than 60 hours of classroom instruction, 20 hours of skills laboratory and 40 hours of correlated, supervised clinical practice.
- (5) The clinical instructor/student ratio must be one to three when the student is administering medications in the clinical setting.
- (6) All course objectives must be met to successfully complete this course. All skills listed in the Skills Check List must be demonstrated and the student must perform return demonstrations satisfactorily, either in the clinical setting or in the skills laboratory.
- (7) Content need not be taught in the order listed. Time may be added and emphasis made by the instructor to highlight certain aspects of the curriculum. Nothing may be taught that is beyond the listed skills.

C. Faculty Qualifications

- (1) Current licensure in Maine as a registered professional nurse is required.
- (2) Two years of clinical experience is required.
- (3) Written recommendation attesting to previous teaching experience and ability is required.
- (4) Evidence of continuing education is recommended.
- (5) Baccalaureate degree in nursing is recommended.

D. Student Requirements for Admission

- (1) successful completion of a nursing assistant training program, in accordance with 32 MRSA Section 2102
- (2) listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS
- (3) equivalent of at least one year of full-time employment as a certified nursing assistant
- (4) tenth grade competency level on the Test of Adult Basic Education (TABE) or

other competency assessment mechanisms as approved by the board

E. Certificate of Training

- (1) The institution or agency conducting the Board's medication course shall award a certificate of training to each student who satisfactorily completes the course. Such certificate shall clearly designate the following:
  - a. completion of the Board's STANDARDIZED MEDICATION COURSE FOR CERTIFIED NURSING ASSISTANTS;
  - b. the specific number of classroom/laboratory hours;
  - c. the specific number of correlated, supervised clinical hours;
  - d. the exact beginning and ending dates of the course;
  - e. the skill level achieved in the course;
  - f. name of institution or agency conducting course;
  - g. signature of the registered professional nurse director of the course; and
  - h. statement of approval by the Board.
- (2) The certificate awarded shall remain the property of the certified nursing assistant to whom it is awarded.
- (3) Certificates of training will be awarded **only** to certified nursing assistants who have successfully completed the Board's medication course. **There is no mechanism to award certificates for comparable training, nor can this medication course be challenged.**
- (4) Certified Nursing Assistant-Medications (CNA-M) shall be the title.

F. Continuing Competency

- (1) Health care facilities that employ the CNA-M to administer selected noninjectable medications shall provide a mechanism for maintaining competency.
- (2) The CNA-M is responsible for maintaining an active status on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS.
- (3) It is recommended that 4 hours of continuing education annually be devoted to topics pertinent to medication administration.

G. Facilities and Resources

- (1) The physical facilities utilized for the medication course shall be adequate to the needs of the course and to the size of instructional staff and student body. These include classrooms, conference rooms, and laboratories sufficient in numbers and size to facilitate scheduling classes on a sound educational basis and to fulfill the objectives of the course.

- (2) The resources for planned learning experiences shall include the quality and variety needed for the objectives of the course.
- (3) Only long term care nursing facilities and state mental health institutions shall be utilized for clinical learning experiences.
- (4) A well-organized and up-to-date library shall be available for use by students and instructors. The holdings shall be consistent with the needs of the curriculum, the student body, and the instructors.

#### H. Records and Reports

- (1) The institution or agency conducting the training program shall make provisions for the safe maintenance of the necessary records.
  - a. Significant, accurate, complete, and concise records and reports that clearly reflect the conduct of the medication course shall be maintained.
  - b. Essential data relating to educational preparation and professional experience shall be maintained for each instructor.
  - c. Records of authorization to conduct the medication course shall be kept on file.
- (2) Reports shall be submitted to the Board as requested.

#### I. Evaluation of Medication Course

The registered professional nurse director of the medication course and the instructors shall be responsible for determining and developing methods and procedures to be used in measuring the extent to which the objectives of the medication course have been achieved. The results of such self-appraisal shall be the basis for future action in planning improved course delivery.

### **Eligibility Requirements for Entry on the Maine Registry of Certified Nursing Assistants**

- A. To be eligible for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS, the nursing assistant shall be in compliance with **one** of the following:
  - (1) has successfully completed competency testing and meets **one** of the following criteria:
    - a. has successfully completed the Board's PRESCRIBED CURRICULUM FOR NURSING ASSISTANT TRAINING PROGRAMS;
    - b. has successfully completed the Board's PRESCRIBED BRIDGE COURSE FOR NURSING ASSISTANT TRAINING;
    - c. has been awarded a certificate of completion of nursing assistant training from the Department of Educational and Cultural Services (DECS);

- d. has been awarded a certificate of training that identifies that such course met the requirements set forth in Chapter 5 of the Board's Rules and Regulations at the time the training took place;
  - e. provides documentation of equivalent training in another jurisdiction;
  - f. provides documentation of nurse assistant training in Maine prior to 1975; or
- (2) has been awarded a certificate of equivalent training from the director of an educational program in nursing preparing individuals for admission to the licensure examination; or
  - (3) has provided additional documentation that the criteria set forth in Chapter 5 were met at the time the training took place; or
  - (4) has submitted documentation of employment for 24 consecutive months between December 19, 1987 and December 19, 1989 at one or more Maine facilities of the same employer, as set forth in 42 CFR 483.150(b)(1) and is currently employed by that facility.
- B. A nursing assistant who has received training in another jurisdiction which does not meet the requirements for certification, as set forth in 5(A) above, may request temporary listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS, pending completion of the Board's PRESCRIBED BRIDGE COURSE FOR NURSING ASSISTANT TRAINING. Such temporary listing shall be in effect for a maximum of 4 months and shall not be renewed.

**6. Fraud or Deceit in Obtaining a Certificate of Training**

An individual who practices fraud or deceit in obtaining a certificate of training as a nursing assistant shall not be eligible for listing on the MAINE REGISTRY OF CERTIFIED NURSING ASSISTANTS.

STATUTORY AUTHORITY: 32 MRSA Sections 2102, 2104 and 2153

EFFECTIVE: June 25, 2008